

SENATE BILL 636

By Marrero B

AN ACT to amend Tennessee Code Annotated, Title 36,  
Chapter 1, Part 1, relative to adoption and  
termination of parental rights.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-1-102(1), is amended by deleting the current subdivisions (D) and (E) in their entirety and by substituting instead the following:

(D) For purposes of this subdivision (1), “willfully failed to support” or “willfully failed to make reasonable payments toward such child's support” means the willful failure, for a period of four (4) consecutive months, to provide monetary support or the willful failure to provide more than token payments toward the support of the child. A person who has attempted to support a child but who has been prevented by the acts of others or circumstances beyond the person’s control has not willfully failed to support a child;

(E) For purposes of this subdivision (1), “willfully failed to visit” means the willful failure, for a period of four (4) consecutive months, to visit or engage in more than token visitation. A person who has attempted to visit a child but who has been prevented by the acts of others or circumstances beyond the person’s control has not willfully failed to visit a child;

SECTION 2. Tennessee Code Annotated, Section 36-1-102(1), is further amended by inserting the following as a new subdivision (F) thereto and by redesignating the subsequent subdivisions accordingly:

(F) A person who has filed a petition in a court of competent jurisdiction to gain custody of such person’s child within the four-month period has demonstrated the

person's intent not to abandon the child. Such demonstrated intent supersedes any failure on the part of the parent to support or visit the child during the four-month period.

SECTION 3. Tennessee Code Annotated, Section 36-1-113(q), is amended by deleting the current language in its entirety and by substituting instead the following:

(q) After the entry of the order terminating parental rights, no party to the proceeding, nor anyone claiming under such party, may later question the validity of the termination proceeding by reason of any defect or irregularity therein, jurisdictional or otherwise, but shall be fully bound thereby, except based upon the timely filing of an appeal of the termination order as may be allowed by law; and in no event, for any reason, shall a termination of parental rights be overturned by any court or collaterally attacked by any person or entity after one (1) year from the date of the entry of the final order of termination except pursuant to such an appeal. This provision is intended as a statute of repose.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.